

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Cherlynn Peterson, Corey Peterson,  
Tasha Peterson, individually and as  
assignees of Dustin Jordan, d/b/a The  
Silver Dollar,

Civil No. 04-4704 (RHK/RLE)

**ORDER**

Plaintiffs,

v.

Scottsdale Insurance Company,

Defendant.

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Before the Court are Plaintiff's timely Objections to the December 14, 2005 Report and Recommendation of Chief Magistrate Judge Raymond L. Erickson. Judge Erickson has recommended that Defendant's Motion for Summary Judgment be granted and Plaintiffs' denied. The undersigned has reviewed de novo the recommendations of Judge Erickson and the Objections interposed by Plaintiffs. That review demonstrates that Judge Erickson's thorough and well reasoned analysis of the issues presented to him is fully supported by controlling legal precedent and should be adopted in all respects.

Accordingly, and upon all the files, records and proceedings herein, **IT IS ORDERED:**

1. The Report and Recommendation (Doc. No. 43) is **ADOPTED**;
2. The Objections (Doc. No. 45) are **OVERRULED**;
3. Defendant's Motion for Summary Judgment (Doc. No. 15) is **GRANTED**;

4. Plaintiffs' Motion for Summary Judgment, or in the Alternative, to Certify Question to the Minnesota Supreme Court (Doc. No. 17) is **DENIED**; and

5. Judgment shall be entered in favor of the Defendant and the Complaint **DISMISSED WITH PREJUDICE**.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: January 12, 2006

s/Richard H. Kyle  
RICHARD H. KYLE  
United States District Judge